

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.1735 OF 2002

The Malayala Manoram Co.Ltd.
and Ors. ..Petitioners

Vs.

Padamjit Singh Giani & Anr. ..Respondents

...
Mr.Rajiv Wagh i/b N.Srivastav
Advocate for petitioners
Mr.M.S.Mohite for Respondent no.1
Mr.U.V.Nikam A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : OCTOBER 13, 2005

P.C.

1. Heard the learned advocate for the petitioners,
learned advocate for the respondent no.1-original
complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process
issued by the learned Metropolitan Magistrate, 10th
Court, Andheri, Mumbai in C.C.No.161/S/2000. In
the said case process was issued against the
petitioners under Section 500 of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778**, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the

revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. It is stated on behalf of the petitioners that in the said case, NBWs came to be issued against the petitioners. It is prayed that the said NBWs be quashed. As the petitioners have been granted liberty to prefer revision, said NBWs are stayed till the disposal of the revision.

7. Writ Petition is disposed of.

[V.K.TAHILRAMANI, J.]